



UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 12 2004

Mailed:

In re application of
Jouko Karhunen et al.
Serial No. 09/403,912
Filed: October 28, 1999
For: METHOD AND EQUIPMENT FOR ATTENUATION OF
OSCILLATION IN A PAPER MACHINE OR IN A
PAPER FINISHING DEVICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper Number

DECISION ON
PETITION

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR § 1.181(a) filed April 19, 2004. The request asks that the abandonment, as set forth in the Notice of Abandonment of April 8, 2004, for failure to file a proper reply to the Office letter mailed on March 11, 2003 be withdrawn. The requester asserts that a timely response in the form of a REQUEST FOR CONTINUED EXAMINATION and PETITION FOR AN EXTENSION OF TIME UNDER 37 CFR § 1.136(a) was filed on April 14, 2004.

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the USPTO application file and the evidence presented indicates that applicant's response, REQUEST FOR CONTINUED EXAMINATION and PETITION FOR AN EXTENSION OF TIME UNDER 37 CFR § 1.136(a), was properly filed on April 14, 2004 in view of the fact that the originally filed papers having a USPTO date stamp thereon of April 19, 2004 and a properly completed Certificate of Mailing under 37 CFR 1.8(a) thereon, have been located in the USPTO electronic application file. It is further noted that the Notice of Abandonment of April 8, 2004 was prematurely prepared by the Examiner and mailed, when in fact the applicant was able to extend the period for filing a timely response up to 5 months from the filing of the NOTICE OF APPEAL filed September 15, 2003, therefore when the Notice of Abandonment of April 8, 2004 was mailed the instant application was not in fact abandoned. Accordingly, any holding of abandonment is hereby vacated, and the application has been returned to pending status.

The application shall be forwarded to the examiner for processing and consideration of the papers filed April 14, 2004.

The Petition is **GRANTED**.

JmStone

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